

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Antonio Jermaine Smith

Docket No. 7:06-CR-126-1

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Antonio Jermaine Smith, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1) and 924, Felon in Possession of a Firearm and Ammunition, and 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute More than 5 Grams of Cocaine Base and a Quantity of Cocaine, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 13, 2007, to the custody of the Bureau of Prisons for a term of 73 months. On August 21, 2008, Smith received a sentence reduction to 60 months, pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Antonio Jermaine Smith was released from custody on July 2, 2010, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Since Smith's release, he has been gainfully employed and currently resides with his sister and other family members in Wilmington. Additionally, he was immediately enrolled in an outpatient drug testing and treatment program and has been fully compliant until October 26, November 5, and November 17th, when Smith submitted to urine testing, and the results of each test

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were positive for cocaine. When confronted, Smith admitted to using cocaine on each occasion. He apologized for his lack of good judgment and admitted to not being in control of his substance abuse addiction as he thought he was. He has agreed to continue in the treatment and testing program, and as a sanction, serve three weekends in jail and participate in the DROPS program. Therefore it is recommended supervision be continued but modified requiring Smith to serve three weekends in jail and participate in the DROPS program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 consecutive weekends, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: December 2, 2010

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ORDER OF COURT

Considered and ordered this 2nd day of December, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge